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3 Attorneys for USACM Liquidating Trust

4 In re:

5 USA COMMERCIAL MORTGAGE  
 COMPANY,

6 USA CAPITAL REALTY ADVISORS,  
 LLC,<sup>1</sup>

7 USA CAPITAL DIVERSIFIED TRUST  
 DEED FUND, LLC,

8 USA CAPITAL FIRST TRUST DEED  
 FUND, LLC,<sup>2</sup>

9 USA SECURITIES, LLC,<sup>3</sup> Debtors.

10 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

11 Case No. BK-S-06-10725-LBR<sup>1</sup>  
 Case No. BK-S-06-10726-LBR<sup>1</sup>  
 Case No. BK-S-06-10727-LBR<sup>2</sup>  
 Case No. BK-S-06-10728-LBR<sup>2</sup>  
 Case No. BK-S-06-10729-LBR<sup>3</sup>

12 CHAPTER 11

13 Jointly Administered Under Case No.  
 14 BK-S-06-10725 LBR

15 **NOTICE OF HEARING REGARDING  
 16 THIRD OMNIBUS OBJECTION OF  
 17 USACM TRUST TO PROOFS OF  
 18 CLAIM BASED UPON THE  
 19 INVESTMENT IN THE BAR USA  
 20 LOAN**

21 Date of Hearing: September 29, 2009  
 Time of Hearing: 9:30 a.m.

22 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
 23 THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR  
 24 CLAIM TO THE EXTENT IT IS BASED UPON INVESTMENT IN THE BAR USA**

25 <sup>1</sup> This bankruptcy case was closed on September 23, 2008.

26 <sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.



1           **LOAN. THIS OBJECTION WILL NOT IMPACT YOUR CLAIM TO THE**  
2           **EXTENT IT IS BASED UPON AN INVESTMENT IN A DIFFERENT LOAN.**

3           **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
4           **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS  
5           REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM  
6           SHOULD BE DIRECTED TO BRANT FYLLING OF SIERRA CONSULTING  
7           GROUP, LLC (602) 424-7009) OR THE UNDERSIGNED COUNSEL.

8           **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust has filed its  
9           Third Omnibus Objection of USACM Trust to Proofs of Claim Based Upon Investment in  
10          the BarUSA Loan (the “Objection”). Your Proof of Claim number and other information  
11          regarding your claim is provided in **Exhibit A**, attached. The USACM Liquidating Trust  
12          has requested that this Court enter an order, pursuant to Bankruptcy Code § 502 and  
13          Bankruptcy Rule 3007, disallowing your Proof of Claim to the extent it is based upon  
14          investment in the BarUSA Loan. The Objection will not impact your Claim to the extent  
15          it is based upon an investment in a different loan.

16           **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
17          before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley  
18          Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on  
19          **September 29, 2009, at the hour of 9:30 a.m.**

20           **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**  
21          **SEPTEMBER 29, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS**  
22          **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**  
23          **ARGUMENTS WILL BE HEARD ON THAT DATE.**

24           **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed  
25          by September 22, 2009 pursuant to Local Rule 3007(b), which states:



If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on the matter.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: August 18, 2009.

LEWIS AND ROCA LLP

By /s/ Marvin Ruth (#10979)  
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*Attorneys for the USACM Liquidating Trust*

Copy of the foregoing and pertinent portion of Exhibit A mailed by first class postage prepaid U.S. Mail on August 18, 2009 to:

Parties listed on Exhibit A attached.

LEWIS AND ROCA LLP

/s/ Carrie Lawrence  
 Carrie Lawrence